

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Home Department 'A'

#### Notification

HD-25-55/72-A

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965 is hereby published for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this notification in the Official Gazette.

2. All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji, before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette, so that they may be taken into consideration at the time of finalisation of the proposed amendment.

#### DRAFT AMENDMENT

In exercise of the powers conferred by clause (k) of sub-section (2) of section 21 of the Motor Vehicles Act, 1939 (4 of 1939) as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Twenty Second Amendment) Rules, 1973.

(2) They shall come into force at once.

2. *Amendment of Rule 2.2.*— After the existing clause (iv) of rule 2.2 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, the following new clause shall be inserted, namely:—

“(IV A) No licence shall entitle the holder to drive a motor cycle unless he wears a crash

helmet. Provided that the provisions of this clause shall not apply to a pillion rider”.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 15th September, 1973.

#### Notification

HD-34-10/72-A

G. S. R. — In exercise of the powers conferred by the proviso to article 309 of the Constitution read with the Government of India, Ministry of Home Affairs, Notification No. F1/29/68-GP dated 29th June 1968, and all other powers enabling him in this behalf, the Lieutenant Governor, Goa, Daman and Diu hereby makes the following rules namely:—

#### PART I

##### General

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Police Service Rules, 1973.

(2) They shall come into force with effect from the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules unless the context otherwise requires:—

(a) “Administrator” means the Administrator appointed under article 239 of the Constitution for the Union Territory of Goa, Daman and Diu;

(b) “Commission” means the Union Public Service Commission;

(c) “duty post” means any post specified in the schedule and includes a temporary post carrying the same designation as any of the posts specified in that schedule, and the scale of pay of which is identical to that attached to Grade II of the service and any other temporary post declared as duty post by the Administrator;

(d) “Member of the Service” means a person appointed in a substantive capacity to either grade of the Service, and includes a person appointed on probation to Grade II of the service;

(e) “Schedule” means the schedule appended to these rules;

(f) “Service” means the Goa, Daman and Diu Police Service;

(g) "Scheduled Castes" and "Scheduled Tribes" shall have the same meaning as are assigned to them by clauses (24) and (25) respectively of Article 366 of the Constitution of India.

### 3. Constitution of Service and its classification. —

(1) On and from the date of the commencement of these rules there shall be constituted a Central Service to be known as the Goa, Daman and Diu Police Service.

(2) The Service shall have two grades, namely: —

(i) Grade I (Selection Grade); and

(ii) Grade II

(3) The posts in Grade I shall be Central Civil Posts, Class I, Gazetted, and those in Grade II shall be Central Civil Posts, Class II, Gazetted.

## PART II

### Authorised permanent strength of the service

4. **Strength of the Service.** — (1) The authorised permanent strength of the Service and posts included therein shall be as specified in the Schedule.

Provided that the Administrator, subject to such conditions and limitations as may be prescribed in this behalf, may, by order, create duty posts for such period as may be specified therein.

## PART III

### Method of Recruitment

5. **Method of recruitment.** — (1) Save as provided in rule 17, appointments to the Service shall be made by the following methods namely:

(a) 50 per cent of the substantive vacancies which occur from time to time in the authorised permanent strength of the Service shall be filled by direct recruitment in the manner specified in Part IV of these rules; and

(b) the remaining such substantive vacancies shall be filled by selection in the manner specified in Part V of these rules from amongst: —

(i) officers who substantively hold the posts of Inspectors of Police under the Government of Goa, Daman and Diu;

(ii) officers who may be considered for appointment to the Service at its initial constitution, though not actually appointed thereto under rule 17 and who substantively hold any of the posts specified in the Schedule.

Provided that nothing in this rule shall preclude the Administrator from holding a vacancy in abeyance, or filling it on an officiating basis in accordance with the provisions of Part VIII of these rules.

(2) If the exigencies of public service so require the Administrator, may in consultation with the Commission, vary the percentage of vacancies to be filled by each method specified in sub-rule (1).

## PART IV

### Direct Recruitment

6. **Competitive Examination.** — (1) A competitive examination for direct recruitment to the Service

shall be held at such intervals as the Administrator may, in consultation with the Commission from time to time, determine. The dates on which and the places at which the examination shall be held, shall be fixed by the Commission.

(2) The qualifications for admission to the examination and the conduct thereof shall be in accordance with such regulations as the Administrator may, from time to time, issue in this behalf in consultation with the Commission.

7. **Nature of Examination.** — Until otherwise decided by the Administrator in consultation with the Commission, the competitive examination for recruitment to the Service shall be the same as the combined competitive examination held by the Commission for recruitment to the Indian Police Service.

8. **Decision of the Commission to be final.** — The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Commission shall be admitted to the examination.

9. (1) Subject to the provisions of sub-rule (2) of this rule, the Commission shall forward to the Central Government a list arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine.

(2) Candidates belonging to any of the Scheduled Castes or the Scheduled Tribes may, to the extent the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes cannot be filled on the basis of the general standard, be recommended by the Commission by a relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for selection to the Service, irrespective of their ranks in the order of merit at the examination.

10. **Physical fitness.** — No candidate shall be appointed to the Service unless he is declared after such medical examination as the administrator may prescribe, to be in good mental and bodily health and free from any mental or physical defect, likely to interfere with the discharge of the duties of the Service.

11. **Inclusion in the list not to confer right to appointment.** — The inclusion of a candidate's name in the list referred to in rule 9 shall confer no right to appointment unless the Administrator is satisfied after such inquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the Service and an actual offer of appointment is made to the candidate.

12. Subject to the provisions of these rules, the candidates included in the lists referred to in rule 9 shall be appointed to the Service in order of merit.

## PART V

### Recruitment by Selection

13. **The Constitution of Selection Committee.** — Recruitment under clause (b) of sub-rule (1) of rule 5, shall be made on the recommendation of a

Selection Committee (hereinafter referred to as the Committee), consisting of:—

*Chairman:*

- (i) The Chairman or a Member of the Commission;

*Members:*

- (ii) A nominee of the Ministry of Home Affairs not below the rank of Deputy Secretary to the Government of India;
- (iii) The Chief Secretary to the Government of Goa, Daman and Diu;
- (iv) The Inspector General of Police, Panaji.

**14. Conditions of eligibility and procedure for Selection.**—(1) The Committee shall consider from time to time the cases of officers eligible under clause (b) of sub-rule (1) of rule 5 who have served in the respective cadre or posts, as the case may be, for not less than two years and prepare a list of officers recommended for appointment after taking into account the actual vacancies at the time of selection and those likely to occur during a year. The selection for inclusion in the list shall be based on merit and suitability in all respects for appointment to the service with due regard to seniority.

(2) The names of persons included in the list shall be arranged in order of merit.

(3) The list so prepared shall be forwarded by the Committee to the Administrator.

**15. Consultation with the Commission.**—(1) The list prepared under rule 14 together with the relevant records shall be forwarded by the Administrator to the Commission, where consultation with the Commission is necessary or where the Chairman of the Committee desires that a reference be made to the Commission along with the relevant records.

(2) If the Commission considers it necessary to make any change in the list received from the Administrator, the Commission shall inform the Administrator of the changes proposed by it.

(3) The list shall finally be approved by the Administrator after taking into account the changes, if any, proposed by the Commission.

(4) The list thus finally approved shall be in force until a fresh list is prepared for the purpose in accordance with these rules.

**16. Appointment to the Service.**—Appointment to the Service shall be made in order of merit in the list referred to in sub-rule (4) of rule 15 with due regard to the proportion specified in rule 5.

PART VI

*Initial Constitution of service*

**17. Initial appointment of persons to the Service.**—(1) The Administrator may, at the commencement of these rules, appoint to the Service any person who at such commencement is holding any of the posts specified in the Schedule:

Provided that the appointment to the service of those officers who belong to, or are on deputation from, a service under the Central or a State Government or an Union Territory shall be made with their

consent and the concurrence of the Department or Government, as the case may be, to which they belong.

*Explanation:* For the purpose of this sub-rule, a person who would have held a post mentioned in the Schedule but for his being on leave or on foreign service or but for his temporary or officiating appointment to an equivalent or higher post, shall be deemed to be holding such a post.

(2) (i) For the purpose of appointment of persons referred to in sub-rule (1), the Administrator may require the Committee to make a preliminary selection, from among the officers referred to in that sub-rule, of such of them who in its opinion are suitable for appointment to the Service. The names of officers so selected shall be arranged by the Committee in the order of merit with due regard to seniority.

(ii) The list prepared under clause (i) shall be forwarded by the Committee to the Administrator. Thereupon the Administrator shall forward the same to the Commission alongwith the relevant records.

(iii) If the Commission considers it necessary to make any changes in the list received from the Administrator, the Commission shall inform the Administrator of the changes proposed.

(iv) The list shall finally be approved by the Administrator after taking into account the changes, if any, proposed by the Commission.

(3) Initial appointment to the Service shall be made in order of merit of persons included in the finally approved list referred to in clause (iv) of sub-rule (2).

PART VII

*Appointment, probation, training and confirmation*

**18. Appointment.**—All appointments to the Service shall be made to Grade I or Grade II of the Service and not against any specified post included in the Service.

**19. Disqualification.**—No person,

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to the Service.

Provided that the Administrator may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

**20. Special Provision for the Members of Scheduled Castes and Scheduled Tribes.**—Appointments to the Service made by direct recruitment shall be subject to the orders regarding special representation in the Services for the Scheduled Castes and Scheduled Tribes issued by the Government of India from time to time.

**21. Period of Probation.**—(1) Every person appointed under rule 5 or rule 17 to the Service shall be on probation for a period of two years.

(2) The Administrator may in the case of any person extend or reduce the period of probation.

(3) A person on probation shall be liable to be discharged from service at any time without assigning any reason, provided that if he holds a lien on any permanent post under the Central Government, a State Government or Administration of a Union Territory he shall be liable to be reverted to that post.

(4) A probationer who has no lien on any post under the Central Government or any State Government or Administration of a Union Territory shall be liable to be discharged from the Service at any time without notice if:

(i) On the basis of his performance, or conduct during probation, he is considered unfit for further retention in the service; or

(ii) if on the receipt of any information relating to his nationality, age, health, or antecedents, the appointing authority is satisfied that he is ineligible or otherwise unfit for being a member of the Service.

(5) A probationer who holds a lien on a post under the Central or any State Government or Administration of a Union territory may be reverted to such post at any time in any of the circumstances specified in sub-rule (4).

(6) A probationer who is not considered suitable for confirmation at the end of the period of probation prescribed in sub-rule (1) or at the end of the extended period of probation, if any, under sub-rule (2), shall be discharged or reverted in accordance with sub-rule (4) or sub-rule (5), as the case may be.

**22. Execution of Agreement.**—A probationer who is required to undergo training shall on appointment to the Service execute an agreement in such form as may be prescribed by the Central Government from time to time binding himself and one surety, jointly and severally, in the event of his failing to comply with any of the provisions of these rules to the satisfaction of the Central Government, to refund any moneys paid to him consequent on his appointment as a probationer.

**23. Training and Departmental Examination.**—A person appointed under rule 5 of rule 17 to the Service shall undergo such training, and pass during the period of probation such departmental examinations, as the Administrator may from time to time prescribe:

Provided that the Administrator may exempt subject to such conditions as it may impose, either wholly or partly from such training or departmental examinations, any person appointed under clause (b) of sub-rule (1) of rule 5 or rule 17.

**24. Confirmation in Service.**—A person who has been declared to have satisfactorily completed his period of probation may be confirmed in the Service.

#### PART VIII

##### Officiating appointments

**25. Selection for Officiating Appointments.**—If at any time the Administrator is of the opinion that the number of officers available in the list referred to in sub-rule (4) of rule 15 for appointments to duty

posts is not adequate having regard to the vacancies in such posts, it may direct the Committee to consider the case of Officers who have officiated for a period of not less than three years in the posts mentioned in clause (b) of sub-rule (1) of rule 5 and prepare a separate list of officers selected. The selection for inclusion in the list shall be based on merit and suitability in all respects for officiating appointments to duty posts with due regard to seniority. The provisions of sub-rule (3) of rule 14 and rule 15 shall apply *mutatis mutandis* in the preparation of the select list under this rule.

**26. Officiating appointment to duty post of the Service.**—(1) If a member of the Service is not available for holding a duty post, the post may be filled on an officiating basis:—

(a) by the appointment of an officer included in the list referred to in sub-rule (4) of rule 15; or

(b) if no such officer is available by the appointment of an officer included in the list prepared under rule 25.

(2) Notwithstanding anything contained in these rules, if the exigencies of public service so require a duty post for which a member of the Service is not available may be filled on an officiating basis by the appointment with prior consultation with the Commission of an Officer belonging to a State Police Service on deputation for such period or periods ordinarily not exceeding three years as the Administrator may consider necessary.

(3) Notwithstanding anything contained in these rules where appointment to a duty post is to be made purely as a local arrangement for a period not exceeding six months, such appointment may be made by the Administrator from persons who are included in the list prepared under sub-rule (4) of rule 15, or rule 25 or who are eligible for inclusion in such a list.

(4) Any appointment made under sub-rule (3) shall be reported by the Administrator to the Commission forthwith.

#### PART IX

##### Miscellaneous

**27. Posting of the members to the Service.**—Every member of the Service shall, unless he is appointed to an ex-cadre post, or is otherwise not available for holding a duty post owing to the exigencies of Service, be posted against duty post under the Administration by the Administrator.

**28. Duty post to be held by a member of the Service.**—Every duty post shall be held by a member of the service or an Officer appointed to officiate under Part VIII of these rules.

Provided that a duty post may also be held by an Officer in the junior scale of the I.P.S. cadre of the Union Territories and in that event any such duty post shall be treated as Central Civil Post—Class I.

**29. Seniority.**—The Administrator shall prepare a list of members of the Service arranged in order of seniority as determined in the manner specified below:—

(i) the seniority of members of the Service appointed at the initial constitution of the service

in accordance with the provisions of Part VI of these rules, shall be determined *ad hoc* by the Administrator in consultation with the Commission, due regard being had to the posts previously held by them under the Governments concerned and the length of service rendered by them therein;

Provided that if two or more persons belonging to the same parent Service or department are thus appointed, they shall be ranked *inter se* in the order of their relative seniority in the parent service or department, as the case may be.

(ii) Seniority of person appointed to the Service under clauses (a) and (b) of sub-rule (1) of rule 5, shall be determined by the order in which appointments are made to the Service.

Provided that —

(a) persons recruited on the results of the competitive examination in any year shall be ranked *inter se* in the order of the merit in which they are placed at the competitive examination on the results of which they are recruited, those recruited on the basis of an earlier examination being ranked senior to those recruited on the basis of later examination.

(b) the relative seniority *inter se* of persons recruited by selection shall be determined on the basis of the order in which their names are arranged in the list prepared under rule 14, those recruited on the basis of an earlier selection being ranked senior to those recruited on the basis of a later selection.

(c) the relative Seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion under rule 5.

**30. Pay and Allowances.** — (1) The scales of pay attached to the Service shall be as follows: —

(i) Grade I (or Selection Grade) Rs. 700-40-1100-50/2-1250.

(ii) Grade II (Time scale) Rs. 350-25-500-30-590-EB-30-800-EB-30-830-35-900.

(2) A person recruited on the results of the competitive examination shall, on appointment to the Service, draw pay at the minimum of time scale.

Provided that if he held a permanent post, other than a tenure post in a substantive capacity prior to his appointment to the Service, his pay during the period of his probation in the Service shall be regulated under the provisions of Fundamental Rules 22-B(1). The pay and increment in the case of other persons appointed to the Service shall be regulated in accordance with the Fundamental Rules:

Provided further that it shall be open to the Administrator to determine the pay of any member of the Service in such manner as the Administrator deems fit if special circumstances of his case so require.

(3) Dearness and other allowances shall be paid to persons holding duty posts at such rates as may be determined by the President from time to time.

**31. Appointments to Selection Grade.** — (1) Appointments of members of Service to the Selection

Grade shall be made in consultation with the Commission on the basis of merit with due regard to Seniority.

(2) An officer with the minimum 8 years of Service in Grade II shall be eligible for being considered for appointment to the Selection Grade.

Provided that service in a duty post or an equivalent post or higher post under Central Government, Government of Goa, Daman and Diu or in a State Police Service shall count towards 8 years period.

Provided further that where a person is considered for such appointment all persons senior to him in Grade II shall also be considered irrespective of the fact whether or not they fulfil the requirement as to the minimum of 8 years' of Service.

**32. Regulations.** — The Administrator may make regulations or issue instructions, not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

**33. Residuary Matters.** — In regard to matters not specifically covered by these rules or by regulations or orders issued thereunder or by special orders, the members of the Service shall be governed by the rules, regulations and orders applicable to corresponding officers serving in connection with the affairs of the Union.

**34. Interpretation.** — If any question arises as to the interpretation of these rules, the same shall be decided by the Administrator.

#### PART X

##### Transitional arrangements

**35. Transitional Provisions.** — (1) On and from the commencement of these rules and until persons are appointed to hold the duty posts in accordance with the provisions of these rules such posts may continue to be held by officers appointed thereto as if these rules have not come into force.

(2) This rule shall cease to be in force after a period of two years from the date of such commencement.

**36. Saving.** — Nothing in these Rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this matter".

**37. Power to relax.** — Where the Administrator is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing and in consultation with the Commission relax any of the provisions of these rules with respect to any class or category of persons or posts.

#### SCHEDULE

(See rule 4)

The authorised permanent strength of Service and the nature of the posts included in it are as follows:

1. Specific posts under the Government of Goa, Daman and Diu	8
2. Deputation, Leave and Training Reserves	3

The above figures include the following posts:

*Grade I (Selection Grade) Posts:*

- |  |   |
|--|---|
| 1. Deputy Superintendent of Police, CID Panaji | 1 |
| 2. Sub-Divisional Police Officer, Panaji       | 1 |

*Grade II Posts:*

- |  |          |
|--|----------|
| 3. Sub-Divisional Police Officer, Vasco        | 1        |
| 4. Sub-Divisional Police Officer, Margao       | 1        |
| 5. Sub-Divisional Police Officer, Mapusa       | 1        |
| 6. Sub-Divisional Police Officer, Daman        | 1        |
| 7. Deputy Superintendent of Police, Armed Wing | 1        |
| 8. Principal, Police Training School, Valpoi   | 1        |
|  | <u>8</u> |

*Reserves:*

- |                                   |          |
|-----------------------------------|----------|
| 1. Deputation Reserve at 10% of 8 | 1        |
| 2. Leave Reserve at 12½% of 8     | 1        |
| 3. Training Reserves at 10% of 8  | 1        |
|                                   | <u>3</u> |

By order and in the name of the Administrator  
of Goa, Daman and Diu.

*G. M. Sardessai*, Under Secretary (Home).

Panaji, 17th September, 1973.

Finance (Revenue) Department

**Notification**

Fin(Rev)/2-35/AR/2/69

In exercise of the powers conferred by sub-section (2) of Section 1 of the Goa, Daman and Diu Excise Duty (Amendment) Act, 1973 (11 of 1973), the Lieutenant Governor of Goa, Daman and Diu hereby appoints the 1st day of October, 1973, as the date on which the provisions of the said amendment Act shall come into force in the Union territory of Goa, Daman and Diu.

By order and in the name of the Lieutenant  
Governor of Goa, Daman and Diu.

*Puran Singh*, Finance Secretary.

Panaji, 17th September, 1973.